

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Klaus Bosslet et al.

Examiner: **Fetterolf, Brandon J**

Application No.: **10/815,925**

Art Unit: **1624**

Filed: **April 02, 2004**

Title: **BIFUNCTIONAL GLYCOPROTEINS HAVING
A MODIFIED CARBOHYDRATE
COMPLEMENT AND THEIR USE IN TUMOR-
SELECTIVE THERAPY**

TERMINAL DISCLAIMER

Commissioner for Patents

Washington, D.C. 20231

Sir:

The petitioner, Behrinwerke Aktiengesellschaft having offices at Marburg, Germany D-35001, represent that it is the assignee of Patent No. 7,060,495, filed on December 12, 1997, by an assignment recorded at the USPTO set out in Reel 019770, Frame 0764 and the above identified application Serial No. 10/815,925, filed April 2, 2004 by an assignment recorded at the USPTO set out in Reel 019770, Frame 0758.

The petitioner, Behrinwerke Aktiengesellschaft, hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of U. S. Patent No. 7,060,495, which is assigned to and commonly owned with 100 percent interest by Behrinwerke Aktiengesellschaft and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to aforementioned U.S. Patent No. 7,060,495, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

Such disclaimer does not, however, mean that petitioner hereby waives or disclaims any right to an extension of the term of any patent issuing from application Serial No. 10/815,925, under 35 USC §§ 155 to 156, pursuant to (a) Title II of Pub. L. No. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b)

Pub. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. L. No. 100-670, enacted November 16, 1988 and entitled "Patent Term Extension for Animal Drug Products", or (c) any other subsequently enacted Public Law or Act which provides for the extension of the term of a patent.

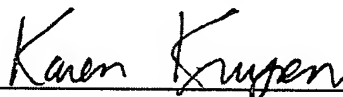
Such disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term, as presently shortened by any terminal disclaimer of U. S. Patent No. 7,060,495 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. **18-1982** in the amount of \$130.00. The Commissioner is authorized to charge any fees under 37 CFR 1.16 - 1.21 or credit any overpayment to Account No. **18-1982**.

Signed at Bridgewater, New Jersey, U.S.A., this 5th day of September, 2007.

Respectfully submitted,



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